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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
LASSNER *et al.*

Examiner: A. Nelson

Serial No.: 09/549,848

Art Unit: 1638

Filed: April 14, 2000

Atty. Dkt.: 16516.105

For: **NUCLEIC ACID SEQUENCES TO  
PROTEINS INVOLVED IN  
TOCOPHEROL SYNTHESIS**

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Non-Compliant Amendment (Paper No. 14) mailed June 14, 2001 in the above-captioned matter, Applicants submit the following amendments and remarks.

**IN THE SPECIFICATION:**

On page 4, please **delete** the paragraph spanning lines 3-4, and **replace** it with the following amended version:

Figure 1 provides an amino acid sequence alignment between ATPT2, ATPT3, ATPT4, ATPT8, and ATPT12 (SEQ ID NOs: 2, 4, 6, 12 and 17, respectively), performed using ClustalW.

B1

# ARNOLD & PORTER

202.942.5000  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206



July 16, 2001

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JUL 18 2001

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Commissioner for Patents  
Washington, DC 20231

Re: U.S. Patent Application No: 09/549,848  
Filed: April 14, 2000  
For: Nucleic Acid Sequences to Proteins Involved in  
Tocopherol Synthesis  
Inventors: Michael W. LASSNER *et al.*  
Atty. Docket: 16516.105/17133/02/US

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice of Non-Compliant Amendment;
2. Fee Transmittal Form;
3. Check No. 200509 for extra claims fees (two additional claims over 20) pursuant to 37 C.F.R. §1.16(c); and
4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824.

Sincerely,

June E. Cohan (Reg. No. 43,741)

Enclosures

<h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">for FY 2001</h2> <p style="text-align: center;">Patent fees are subject to annual revision.</p>		Complete if Known		
		Application Number	09/549,848	
		Filing Date	April 14, 2000	
		First Named Inventor	LASSNER, et al.	
		Examiner Name	A. Nelson	
		Group / Art Unit	1638	
TOTAL AMOUNT OF PAYMENT (\$)		36	Attorney Docket No.	16516.105

<b>METHOD OF PAYMENT (check one)</b> 1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: Deposit Account Name: <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 2. <input type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other				<b>FEE CALCULATION (continued)</b> <b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	June E. Cohan	Registration No. Attorney/Agent)	43,741	Telephone	(202) 942-5000
Signature				Date	July 16, 2001

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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